

Effective 5/12/2015

63N-4-204 Agreement between the executive director and an eligible county -- Failure to meet or violation of a term or condition of an agreement.

- (1) Before an eligible county that has been awarded a grant or loan in accordance with Section 63N-4-203 may receive the grant or loan, the eligible county shall enter into a written agreement with the executive director.
- (2) The written agreement described in Subsection (1):
 - (a) shall:
 - (i) specify the amount of the grant or loan;
 - (ii) specify the time period for distributing the grant or loan;
 - (iii) specify the terms and conditions that the eligible county shall meet to receive the grant or loan;
 - (iv) specify the structure of the grant or loan;
 - (v) specify the eligible expenses for which the eligible county may expend the grant or loan;
 - (vi) if the eligible county has been awarded a loan:
 - (A) specify the repayment schedule for the loan;
 - (B) specify the method of calculating interest applicable to the loan; and
 - (C) specify procedures for:
 - (I) applying interest to the loan; and
 - (II) paying interest on the loan; and
 - (vii) subject to Subsection (3), contain provisions governing the failure to meet or the violation of a term or condition of the agreement; and
 - (b) may contain any other provision as determined by the director.
- (3)
 - (a) Except as provided in Subsection (3)(b), and subject to Subsection (3)(c), if an eligible county fails to meet or violates any provision of the agreement described in Subsection (2), the board shall impose one or more of the following penalties:
 - (i) require the eligible county to repay all or a portion of the amount of any grant or loan the eligible county received in an amount determined by the board;
 - (ii) provide that an eligible county may not receive any amounts of a grant or loan that the eligible county has been awarded in accordance with Section 63N-4-203 but has not received; or
 - (iii) provide that an eligible county may not be awarded a grant or loan under this part for a time period determined by the board.
 - (b) Notwithstanding Subsection (3)(a), the board may waive, reduce, or compromise a penalty described in Subsection (3)(a) if an eligible county demonstrates that reasonable cause exists for the eligible county failing to meet or violating a provision of the agreement described in Subsection (2).
 - (c) If the board imposes a penalty in accordance with this Subsection (3) on an eligible county, the board shall provide written notice of the penalty to the eligible county within 10 calendar days after the day on which the board determines to impose the penalty.

Renumbered and Amended by Chapter 283, 2015 General Session